*** THE HON'BLE SRI JUSTICE V.ESWARAIAH**

<+ WRIT PETITION NO. 8664 OF 1998 AND BATCH

% FRIDAY THE TWENTY SEVENTH DAY OF AUGUST,

TWO THOUSAND AND FOUR.

S. Karunakar Reddy and others.

...Petitioners.

Versus

$ 1. The Registrar, Osmania University, Hyderabad.

2. The Joint Registrar, Osmania Universtiy, Hyderabad.

3. The Commissioner of Higher Education, Saifabad, Hyderabad.

...Respondents.

! Counsel for the Petitioners: Mr. A. RAJASEKHAR REDDY

^ Counsel for the Respondents: Government Pleader for Higher Education

Mr. Deepak Bhattacharjee SC For OU

< Gist:

> Head Note:

? <u>Cases referred</u>:

1. (1992) 2 SCC 29

2. 1995 (4) SCC 111

3. 2002 (4) ALT 682

4. 1994 (3) SCC 380

5. AIR 1995 SC 974

6. AIR 1997 SC 1628

7. (1998) 3 SCC 88

8. (1998) 8 SCC 529

9. (1994) 2 SCC 630

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION Nos.8664, 35439, 35453, 36255, 36274, 36892 and 36878 OF 1998

WRIT PETITION Nos.581, 5266, 9828, 18498, 20580, 20688, 21642 and 23806 OF 1999

WRIT PETITION Nos.3700, 5703, 5991, 6785, 8264, 9063, 9064, 11063, 15192, 16288 and 17412 OF 2003

WRIT PETITION Nos.2564, 2577, 5087, 5107, 5517, 5564, 5649, 5702, 5709, 5933, 5948, 6049, 6698, 8498, 10170, 11803, 12284, 12762, 11573, 11347 and 14355 of 2004

W.P.No.8664 of 1998

Between:

S. Karunakar Reddy S/o. Venkat Reddy, Occ: Lecturer in Botany, R/o. Shankermutt, Hyderabad.

... PETITIONER

AND

1. The Registrar, Osmania University, Hyderabad.

2. The Head of Department of Botany, College of Science, Osmania University,

Hyderabad.

3. The Commissioner of Higher Education, Saifabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate writ directing the respondents to regularize the services of petitioner as Lecturer in Botany in Respondents University with all consequential benefits or pass any other appropriate order or orders deemed fit in the interests of justice.

Counsel for the Petitioner: MR.A.RAJASEKHAR REDDY

Counsel for the Respondents 1 & 2: MR.DEEPAK BHATTACHARJEE (S.C. FOR O.U.)

Counsel for the Respondent No.3: GP FOR HIGHER EDUCATION

W.P.NO.35439 OF 1998

Between:

1. Dr. Vidya Mahajan Deodhar, D/o Shri Madhav P. Mahajan, Part Time Lecturer, Department of Marathi, Arts College, Osmania University, r/o 4-2-131, Sultan Bazar, Hyderabad.

2. Dr. D. Janardhana Rao, S/o. Late D. Kishan Rao, PTl, Department of History, Nizam College, OU, R/0 131, Vayupuri Colony, Sinikpuri, Secunderabad.

3. Dr. G. Jalender Reddy, S/o Ganga Reddy, PTL, Department of History, kothi Women's College, OU, R/o Room No. 62, Narmada hostel, OU Campus, Hyderabad.

4. Dr. N.R. Giridhar, S/o. Dr. N.P. Ramdas, PTL, Department of History, P.G. College, OU, R/o. 81/1, Saraswathi Nagar, Lothu Gunta, Secunderabad.

5. M. Jithender Reddy, S/o. Damodar Redy PTL, Department of History, Nizam College, OU, R/o. B/358, Phase II, Hill Colony, Vanasthalipuram, Hyderabad.

6. P. Murali, S/o. P. Bala Narsaiah, PTL Department of History, Nizam College OU, R/o. Room No.39, Narmada Hostel, OU Campus, Hyderabad.

(All Part time lecturers working in Osmania Universtiy)

... PETITIONERS

AND

Osmania University, Rep. By its Registrar, Osmania University, Hyderabad

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the Respondents in not regularizing the services of the petitioners as Lecturers in the Respondent University and not giving effect to G.O.Ms.No.221 dated 20.06.1995 as arbitrary, illegal, unjust, violative of the Fundamentsl Rights guaranteed to them under Articles 14, 16 and 21 of the Constitution of India an also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India and issue the consequential direction to the respondents to regularize the services of the petitioners with all consequential benefits

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.RAVICHANDER

Counsel for the Respondent: MR DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.No.35453 OF 1998

Between:

1. Dr. B. Neeraja, W/o. Dr. J. Ravinder Kumar, R/o. 18-7-739/32-3, Gowlipura,

Hyderabad.

2. Dr. G. Sunitha Devi, D/o. Sri G. Satyanarayana, R/o. H.No./ 23-4-133/134, Inside

Gowlipura, Hyderabad.

3. Dr. P. Surekha Rani, W/o. Sri B. Tukaram, r/o. H.No.1-9-312/E/B, Vidya Nagar

Hyderabad.

4. Dr. P. Parameshwari Devi, w/o. Sri S. Omprkash Rao, R/o. H.No.16-2-742-F/5/1,

Venkatadri Nagar Colony, Behind A.B. Colony, Asmangud, Hyderabad.

5. Dr. Amena, D/o. Dr. S. Badaruddin, r/o. H.No.11-5-162/D, Red Hills, Hyderabad.

All Part Time Lecturers working in Osmania University, Hyderbad.

... PETITIONERS

AND

Osmania University, Rep.by its Registrar, Osmania University, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the Respondents in not regularizing the services of the petitioners as Lecturers in the Respondent University and not giving effect to G.O.Ms.No.221 dated 20.06.1995 as arbitrary, illegal, unjust, violative of the Fundamental Rights guaranteed to them under Articles 14, 16 and 21 of the Constitution of India an also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India and issue the consequential direction to the respondents to regularize the services of the petitioners with all consequential benefits

Counsel for the Petitioners: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.RAVICHANDER

Counsel for the Respondent: MR. DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.36255 OF 1998

Between:

Dr. I. Suryakala, W/o. Dr. I. Upendranath, Part Time Lecturer in Zoology, Osmania University, R/o Flat No.004, Hari Nivas Apartments, 1-8-191/200, Prender Ghast Road, Secunderabad.

(Working as part time lecturer in Osmania Universtiy, Hyderabad)

... PETITIONER

AND

Osmania University, Rep. By its Registrar, Osmania Univesity, Hyderbad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the Respondents in not regularizing the services of the petitioners as Lecturers in the Respondent University and not giving effect to G.O.Ms.No.221 dated 20.06.1995 as arbitrary, illegal, unjust, violative of the Fundamental Rights guaranteed to her under Articles 14, 16 and 21 of the Constitution of India and also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India, after declaring Memo No.3605/7/1978/adm.11-1 dated 08.12.1998 along with its Annexure (i.e., Agreement of Contract for Service) as illegal and unconstitutional and issue the consequential direction to the respondents to regularize the services of the petitioners with all consequential benefits

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.RAVICHANDER

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.36274 OF 1998

Between:

1. Dr. I.G. Shyam Sunder Rudruker, S/o Sri Ganga Ram, Part-Time Lecturer in Mathematics, Department of Mathematics, R/o. 16-11-511/D/132, Shalivahana Nagar, Dilsukhnagar, Hyderbad.

2. Dr. K. Sreeram Reddy, S/o K. Thirupathi Reddy, PTL in Mathematics, Department of Mathematics, R/0 12-13-610, St.No.20, Nagarjuna Nagar, Tarnnaka, Secunderabad.

3. Dr. N.Ch. Bhatra Charyulu, s/o. N.Ch. Narasimha Charyulu, PTL in Statistics, Department of Statistics, R/o. 18-29, Kamala Nagar, Dilsukhnagar, Hyderbad.

4. Dr. Babburi Narendra, S/o Narsaiah, PTL in Statistics, Department of Statistics R/o. 12-11-1670/A, Ambernagar, Jamai Osmania, Hyderbad.

5. Dr. T.V. D. Prasada Rao, S/o. T. Rama Murthy, PTL in Chemistry, Department of Chemistry, R/o.45, New P.G. Hostel, O.U., Hyderabad.

6. Dr. S. Sreepathi Rao, S/o. S. Hanumantha Rao, PTL in Physics, Department of Physics, R/o Plot No. 209/46, Janapriya Residency, Huda Complex, Kothapet, Hyderabad.

7. M. Raghavender, S/o. M. Ramnath Sharma, PTL in statistics, Department of Statistics, R/o. 8-51, Vidyuth Nagar, Dilsukhnagar, Hyderabad.

All Part Time Lecturers working in Osmania University, Hyderabad.

... PETITIONERS

AND

Osmania Universtiy, Rep. By its Registrar, Osmania Universtiy, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the Respondents in not regularizing the services of the petitioners as Lecturers in the Respondent University and not giving effect to G.O.Ms.No.221 dated 20.06.1995 as arbitrary, illegal, unjust, violative of the Fundamental Rights guaranteed to them under Articles 14, 16 and 21 of the Constitution of India an also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India, after declaring Memo No.3605/7/1978/adm.11-1 dated 08.12.1998 along with the Annexure (i.e., Agreement of Contract for Service) as illegal and unconstitutional and issue the consequential direction to the respondents to regularize the services of the petitioners with all consequential benefits

Counsel for the Petitioners: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.RAVICHANDER

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.36878 OF 1998

Between:

1. G. Ramchandra Redy, Occ: Lecturer in Public Administration, P.G.College, Secunderbad, Osmania University.

2. S. Balabrahma Chary, Occ: Part Time Lecturer in Public Administration, P.G. College, Secunderabad, Osmania University.

3. T. Premaiah, Occ: Part Time Lecturer in Public Administration, Nizam College,

Osmania university, Hyderabad.

4. Y. Venkateswarlu, Occ: Part time Lecturere in Public Administration at Nizam

College, Osmania University, Hyderabad.

... PETITIONERS

AND

1. The Registrar, Osmania Universtiy, Hyderabad.

2. The Principal, Nizam college, Basheerbagh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction one in the nature of Writ of Mandamus directing the respondents to regularize the services of the petitioners in the category of Lecturer in Public Administration with all consequential benefits and also direct the respondents to pay the salary on par with the regular Lecturers with arrears

Counsel for the Petitioners: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MRJ.R.MANOHAR RAO

Counsel for the Respondent No.1: MR. DEEPAK BAHATTACHARJEE (SC FOR OU)

Counsel for the Respondent No.2: None Appeared.

W.P.NO.36892 OF 1998

Between:

A. Venkatram Narsimha Reddy @ A.V.R.N.Reddy, S/o. Ranga Reddy Occ: Part-time Lecturer, R/o. H.No.1-121/39, V.S.T. Colony, Tarnaka, Hyderabad.

... PETITIONER

AND

1. The Registrar, Osmania University, Hyderabad.

2. The Joint Registrar, Osmania Universtiy, Hyderabad.

3. The Principal, P.G. College, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to regularize the services of the petitioner herein from the date of his respective initial appointment with all incidental

and consequential benefits by declaring the action of the respondents university in not regularizing the services of the petitioner even though he is working in the substantial vacancies

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.PRBHAKAR REDDY

Counsel for the Respondents 1 & 2: MR.DEEPAK BHATTACHARJEE (SC FOR OU)

Counsel for the Respondent No.3: None Appeared.

W.P.NO.581 OF 1999

Between:

1. Dr. T. Vijay kumar, Lecturer in History, R/o. 1-9-129/23/C/5, Ramnagar,

Hyderabad.

2. Dr. S. Anjaiah, Lecturer in History, P.G.College, Secunderabad.

... PETITIONERS

AND

Osmania University, Rep. By its Registrar, Osmania University, Hyderabad

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the Respondents in not regularizing the services of the petitioners as Lecturers in the Respondent University and not giving effect to G.O.Ms.No.221 dated 20.06.1995 as arbitrary, illegal, unjust, violative of the Fundamental Rights guaranteed to them under Articles 14, 16 and 21 of the Constitution of India an also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India and issue the consequential direction to the respondents to regularize the services of the petitioners with all consequential benefits

Counsel for the Petitioners: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.SOORAMPRABHAKAR REDDY

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE (S.C. FOR O.U.)

WRIT PETITION NO : 5266 of 1999

Between:

Dr. M Nagalakshmi Devamma W/o P Ramana Reddy, S.V.U. College, Tirupati, Chittoor District

... PETITIONER

AND

1 The S.V.University rep by its Registrar, Tirupati, Chittoor District

2 The Dean School of Bilogical & Earth Sciences, S.V. University, Tirupati, Chittoor

District
3 The Head Department of Botany, S.V.University,Tirupati, Chittoor District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to regularise the services of the Petitioner as Assistant Professor in the Department of Botany in the respondent University with effect from the date of initial appointment i.e., 12/3/1996 with all consequential benefits by declaring the action of the University in not regularising the services of the petitioner is illegal, arbitrary and contrary to the judgments rendered by this Hon'ble Court

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.G.PEDDA BABU

Counsel for the Respondents: MR. T.S. HARINATH (SC FOR SVU)

W.P.NO.9828 OF 1999

Between:

1. A. Ravi Kumar, S/o. Yadagiri, Lecturer (Part time), R/o. 6-3-190/B, Premnagar,

Khairtabad Hyderabad.

2. Dr. B. Srinivas, S/o. Gopal Rao, Lecturer (Part time), R/o.7-195, ECIL Cross Roads,

Hyderabad.

... PETITIONERS

AND

1. Osmania University, Hyderabad rep. By its Registrar.

2. Joint Registrar, Osmania University, Hyderabad.

3. Principal, University College of Science, Osmania University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially writ of mandamus, directing the respondents to regularize the services of the petitioners from the date of their respective initial appointment with all incidental and consequential benefits by declaring the action of the respondent university in not regularizing the services of the petitioners even though the petitioners are working in the substantial vacancies as arbitrary, illegal and violative of Articles 14, 19(1)(g), 39(b) of Constitution of India

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.PRABHAKAR REDDY

Counsel for the Respondents: MR. DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.18498 OF 1999

Between:

1. Dr. Anjaiah, S/o. Viswanatham, Part-time Lecturer in History, R/o University College for women, Koti, Hyderabad.

2. Dr. N. Vani Sri, D/o N. Prabhakar, Part-time Lecturer in History, r/o. 1-7-495/11, Zamisthanpur, Hyderabad.

... PETITIONERS

AND

1. Osmania University, Hyderabad rep. By its Registrar

2. Principal, University College of Women, (Autonomous), Osmania University, Koti Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the Respondents in not regularizing the services of the petitioners as Lecturers in the Respondent University as arbitrary, illegal, unjust, violative of the Fundamental Rights guaranteed to them under Articles 14, 16 and 21 of the Constitution of India an also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India and issue the consequential direction to the respondents to regularize the services of the petitioners with all consequential benefits

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.R.PRABHAKAR

Counsel for the Respondents: MR. DEEPAK BHATTARCHAJEE (SC FOR OU)

W.P.NO.20580 OF 1999

Between:

M. Sudhakar, S/o. Rajalingam, Lecturer, P.G. College of Science, Saifabad, Hyderabad.

... PETITIONER

AND

1. Osmania University, Hyderabad, rep.by its Registrar

2. Principal, P.G.College of Science, Saifabad, Hyderabad.

(R1 Disd. For default as per the Court order dated 13.03.2003)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the Respondents in not regularizing the services of the petitioner as Lecturer in the Respondent University and not giving effect to G.O.Ms.No.221 dated 20.06.1995 as arbitrary, illegal, unjust, violative of the Fundamental Rights guaranteed to him under Articles 14, 16 and 21 of the Constitution of India an also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India and issue the consequential direction to the respondents to regularize the services of the petitioner with all consequential benefits

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.R. PRABHAKAR

Counsel for the Respondents: MR. DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.20688 OF 1999

Between:

Dr. K. Rajani Kumari, D/o. K. Raj Kumar, Part-time Lecturer in Physics, University College for Women, Koti, Hyderabad.

... PETITIONER

AND

1. Osmania Universtiy rep.by its Registrar, Hyderabad.

2. The Principal, Osmania University College for Women, Koti, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not regularizing the services of the petitioner herein in spite of her continuous service as Lecturer in Physics as illegal, arbitrary, violative of Article 14 of the Constitution of India apart from violative of principles of natural justice and consequently direct the respondents herein to regularize the services of the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.S.V.R.SUBRAHMANYAM

Counsel for the Respondents: MR DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.21642 OF 1999

Between:

Sri A.V. Rajasekhar S/o. Hanmandlu, Occ: Lecturer inZoology, R/o. Nallakunta, Hyderabad.

... PETITIONER

AND

1. The Registrar, Osmania Universtiy, Hyderabad.

2. The Head of Department of Zoology, College of Science, Osmania University,

Hyderabad.

3. The Commissioner of Higher Education, Saifabad, Hyderabad.

4. The Secretary, Department of Higher Education, Government of A.P., Secretariat,

Hyderabad.

5. The Secretary, Department of Finance &Planning, Government of A.P., Secretariat,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the respondents to regularize the services of petitioner as Lecturer in Zoology in respondents University with all consequential benefits

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.A. RAJASEKHAR REDDY

Counsel for the Respondents 1 & 2:MR. DEEPAK BAHATTACHARJEE (SC FOR OU)

Counsel for the Respondents 3 to 5: GP FOR HIGHER EDUCATION

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W.P.NO.23806 OF 1999

Between:

Ravi Eashwar Chand, S/o. Ramayya, Occ: Lecturer, Hyderabad

... PETITIONER

AND

The Registrar, Osmania University, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of a Writ of Mandamus:

(i) declaring the action of respondent in not implementing the Scheme of UGC as per Clause 11 of the Scheme appended to G.O.Ms.No.208, dated 29.06.1999 as arbitrary, illegal and violative of Articles 14, 21 & 300-A of the Constitution of India.

(ii) direct the respondent authorities to fix up the salary of the petitioner alone with increments, in pursuance of Clause 11 of the Scheme of UGC appended to G.O.Ms.No.208, dated 29.06.1999

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. A. SUDERSHAN REDDY

Counsel for the Respondent: MR. DEEPAK BAHATTACHARJEE (SC FOR OU)

W.P.NO.3700 OF 2003

Between:

Dr. C. Sinivasa Reddy, S/o.Sri Venkatanarasa Reddy, Occ: Part-time Lecturer

In Physics, P.G.College, Secunderabad.

... PETITIONER

AND

The Registrar, Osmani University, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more in the nature of writ of mandamus declaring the action of the respondents in discontinuing petitioner services as part-time lecturer as illegal, arbitrary and violative of Article 14 of Constitution of India and liable to be set aside

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.V.HARI HARAN

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.5703 OF 2003

Between:

Dr. K.Y. Chitra, w/o. Sri K.M. Anand Kumar, Occ: Lecturer, r/o. New Nallakunta

Hyderabad

... PETITIONER

AND

1. Osmania University, rep.by its Registrar, Hyderabad

2. The Principal, Nizam College Autonomous, Osmania University, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to a Writ of Mandamus or any other direction, direct the respondents not to terminate the services of the petitioner herein as Lecturer in the 2nd respondent's college

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. A. RAJASEKHAR REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE (SC FOR OU)

W.P.NO.5991 OF 2003

Between:

K.Geetha, D/o.K.Paramatham Chary, PTL in Sanskrit University College for Women, Hyderabad. **...PETITIONER**

And

1. The Registrar, Osmania University, Hyderabad.

2. University College for Women, Hyderabad.

3. The Government of A.P., Rep.by its Secretary, Collegiate Education

Secretariat, Hyderabad.

(R3 is impleaded as per the Court order dated 16.04.2003 in WPMP.No.8512 of 2003)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus directing the respondents to consider the case of the petitioner for regularisation of her services in the category of Lecturer in Sanskrit and pay the salary on par with the regular Lecturers or in the alternative to consider the case of the petitioner for appointment as Lecturer in Sanskrit by relaxing the age as directed by this Hon'ble Court in batch

of Writ petitions.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. J.R.MANOHAR RAO

Counsel for the Respondents 1&2: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondent No.3: GP FOR HIGHER EDUCATION

W.P.NO.6785 OF 2003

Between:

Dr.B.Amarendher Reddy, S/o. Late B.Ramana Reddy, Occ: Lecturer, R/o.Plot No.504

Krishnatheja Kingdom Apartments, D.D.Colony, Hyderabad. **...PETITIONER**

AND

1. The Registrar, Osmania University, Hyderabad.

2. The Principal, Nizam College (Autonomous), Hyderabad.

3. Government of A.P.Rep.by its Secretary, Department of Higher Education,

Secretariat, Hyderabad.

4. Government of A.P. rep., by its Secretary, Department of Finance,

Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of mandamus declaring proceedings Lr.No.380/NCA 2003, dated 01-04-2003 as illegal, arbitrary, and unconstitutional and also direct the respondents to regularize the services of petitioner as lecturer in Public Administration in respondent No.2 College with all consequential benefits.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. A. RAJASEKHAR REDDY

Counsel for the Respondents 1&2: MR.DEEPAK BHATTACHARJEE (SC FOR OU)

Counsel for the Respondents 3 & 4: GP FOR HIGHER EDUCATION

W.P.NO.8264 OF 2003

Between:

A.Parshu Ramulu, S/o.A.Narsaiah, Part-time lecturer,Department of Mechanical,

College of Technology, Osmania University, Hyderabad.

...PETITIONER

AND

1. The Registrar, Osmania University, Hyderabad.

2. University College of Technology, Osmania University, Hyderabad.

3. The State Government, Represented by its Secretary,

Collegiate Education, Secretariat, Hyderabad.

…RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus directing the respondents to consider the case of the petitioner for regularization of his services in the category of Lecturer in the Department of mechanical and pay the salary on par with the regular Lecturer or in the alternative to consider the case of the petitioner for appointment as Lecturer in the Department of Mechanical by relaxing the age as directed by this Hon'ble Court in batch of writ petitions.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. J.R. MANOHAR RAO

Counsel for the Respondents 1&2: MR.DEEPAK BHATTACHARJEE (SC FOR OU)

Counsel for Respondent No.3: GP FOR HIGHER EDUCATION

W.P.NO.9063 OF 2003

Between:

Dr.S.Anitha Kumari D/o S.Manik Rao, Occ-Lecturer in Zoology, O.U.College for Women, Koti,HYderabad.

... PETITIONER

AND

1 Registrar, Osmania University, Hyderabad.
2 Joint Registrar, Administration, Osmania University, Hyderabad.
3 Asst.Registrar, O.U.College for Women, Autonomous, Koti, Hyderabad.
4 Secretary, Department of Higher Education, Secretariat Building, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the acts of respondents in not regularising the services of the petitioner as lecturer in Zoology in the Osmania University and giving artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc., as illegal, unconstitutional and violative of interalia Articles 14,16,21 and 38 of the Indian Constitution of India and consequently direct the respondent university to regularise the services of the petitioner as lecturer in Zoology from the date of initial appointment and pay all consequential benefits to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. K. RAMAKANTH REDDY

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.9064 OF 2003

Between:

P.Saritha Reddy W/o Nagender Reddy, O.U.Collge for Women., Koti., Hyderabad.

... PETITIONER

AND

1 Registrar, Osmania University, Hyderabad.
2 Joint Registrar, Administration, Osmania University, Hyderabad.
3 Asst.Registrar, O.U.College for Women, Autonomous, Koti, Hyderabad.
4 Secretary, Department of Higher Education Secretariat building, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the acts of respondents in not regularising the services of the petitioner as lecturer in chemistry in the Osmania University and giving artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc.,as illegal, unconstitutional and violative of interalia articles 14,16,21 and 38 of the Indian Constitution of India and consequently direct the respondent University to regularise the services of the petitioner as lecturer in Chemistry from the date of initial appointment and pay all consequential benefits to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.RAMAKANTH REDDY

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.11063 OF 2003

Between:

1 B. Aravinda s/o Late B. Krishna Murthy, Consultant (Lecture in English), Nizam

College, Hyderabad
2 S. Padmaja D/o S. Srinivasa Sarma, Consultant (Lecture in Zoology), Nizam College,

Hyderabad

... PETITIONERS

AND

1 Osmania University, rep by its Registrar, Osmania University Campus, Hyderabad
2 The Principal, Nizam College (Autonomous), Osmania University, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, directing the respondents herein not to terminate the Services of the petitioners herein as lecturers in the 2nd respondent's College and consequently direct the respondents herein to continue the petitioners in service in their respective Departments as usual

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. C.RAJA SEKHAR REDDY

Counsel for the Respondents: MR. DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.15192 OF 2003

Between:

T.Narender Reddy, S/o. T.Yella Reddy, University College of Science, Department of Zoology, Osmania University, Hyderabad.

... PETITIONER

AND

1 Osmania University, rep.by its Registrar Osmania University Campus, Hyderabad
2 The Principal, University College of Science, Department of Zoology, Osmania University Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents herein in not absorbing the Petitioner into service as a Lecturer in Zoology in the 2nd Respondents College on contract basis as usual as illegal, arbitrary and contrary to the principles of natural justice and consequently direct the respondents herein to permit the petitioner to work as Lecturer in Zoology in the 2nd respondent's College on contract basis

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MRC.RAJA SEKHAR REDDY

Counsel for the Respondents: MR. DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.16288 OF 2003

Between:

G.R. Jayanandam, S/o. G.M. Rufus, Working as Academic Consultant(Part-time Lecturer in Public Administration) Nizam College, Osmania University, Hyderabad.

... PETITIONER

AND

1 Osmania University, rep.by its Registrar Osmania University Campus, Hyderabad.
2 The Principal, Nizam College(Autonomous) Osmania University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, directing the respondents herein not to terminate the services of the petitioner herein as Lecturer in the 2nd respondent's College and consequently direct the respondents herein to continue the petitioner in service as Lecturer in Public Administration Department in 2nd respondent College on contract basis, as usual

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR. C.RAJA SEKHAR REDDY

Counsel for the Respondents: MR. DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.17412 OF 2003

Between:

Miss D.Priya Kumari D/o.Sanjeevi, (Lecturer in Zoology Department at post Graduate College(O.U), Secunderabad.

... PETITIONER

AND

1 Osmania University, rep.by its Registrar Osmania University Campus, Hyderabad
2 The Principal, Post Graduate College O.U, Secunderabad.
3 The Principal, Koti Women's College, Koti, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of Writ of Mandamus declaring the action of the respondents in appointing the petitioner as Part Time Lecturer in Zoology Department instead of continuing her services as Lecturer in Zoology Department on contract basis, as illegal, arbitrary and contrary to law and consequently direct the respondents herein to continue the petitioner in service as Lecturer in Zoology Department on Contract basis, as usual.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MRC.RAJA SEKHAR REDDY

Counsel for the Respondents: MR. DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.2564 OF 2004

Between:

D. Saritha, D/o. D. Venkata Swamy, Occ: Lecturer in Physics, O.U. College for Women,
Koti, Hyderabad. R/o. C-31/7, Labs Quarters, Kanchanbagh, Hyderabad - 500 058.

... PETITIONER

AND

1 Osmania University, Rep. by its Registrar, Hyderabad.
2 Joint Registrar, Administration, Osmania University, Hyderabad.
3 O.U. College for Women, Autonomous, Koti, Rep. by its Asst. Registrar, Osmania University, Hyderabad.
4 Department of Higher Education, Government of Andhra Pradesh, Secretariat Building, Hyderabad. Represented by its Secretary.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the acts of respondents in not regularinsing the services of the petitioner as lecturer in Physics in the Osmania University respondent college and giving Artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc., as illegal, unconstitutional and violative of interalia Articles 14, 16, 21 and 38 of the India Constitution of India

and consequently direct the respondent University to regularise the services of the petitioner as lecturer in physics from the date of initeal appointment and pay all consequential benefits to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.RAMAKANTH REDDY

Counsel for the Respondents 1, 2 & 3: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

WRIT PETITION NO : 2577 of 2004

Between:

K. Madhavi D/o K.V.S. Surya Narayana Raju, O.U. College for Women, Koti, Hyderabad, R/o H. NO. 1-8-726/26, Nallakunta Hyderabad

... PETITIONER

AND

1 Osmania University rep by Registrar, Hyderabad
2 Joint Registrar, Administration, Osmania University, Hyderabad
3 O.C. College for Women Autonomous, Koti, rep by Asst. Registrar Osmania

University, Hyderabad
4 Departmetn of Higher Education Government of Andhra Pradesh Secretariat

Building, Hyderabad rep by Secretary

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus declaring the acts of respondents in not regularising the Services of the Petitioner as lecturer in Physics in the Osmania University respondent College and giving Artificial Breaks Under the guise of different orders without paying regular scale and attached benefits etc. as illegal, unconstitutional and violative of interalia Articles 14, 16,21 and 38 of the Indian Constitution of India and consequently direct the respondent University to regularise the services of the petitioner as Lecturer in Physics from the date of Initial appointment and pay all consequential benefits to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.RAMAKANTH REDDY

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.R4: GP FOR HIGHER EDUCATION

W.P.NO.5087 OF 2004

Between:

G.Padmaja, W/o.G.K.Ramesh Prasad Osmania University College for Women

(Autonomus) Koti, Hyderabad, R/o.H.No.330/2RT, P.S.Nagar, Hyderabad-500057.

... PETITIONER

AND

1 Osmania University, rep.by its Registrar, Hyderabad.
2 Joint Registrar, Administration, Osmania University, Hyderabad.
3 Osmania University College for Women,(Autonomous)Koti Hyderabad, rep.by its

Asst.Registrar, Osmania University, Hyderabad.
4 Department of Higher Education, Government of Andhra Pradesh, Secretariat

Buildings, Hyderabad, rep.by its Secretary.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondents in not regularising the services of the petitioner with effect from 1996-97 as lecturer in Psychology in the Osmania University respondent college and giving Artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc as illegal, unconstitutional and violative of interalia Articles 14, 16, 21 and 38 of the Constitution of India and consequently direcdt the respondent University to regularise the services of the petitioner as lecturer in psychology from the date of initial appointment and pay all consequential benefits arrears difference of pay to the petitioner.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.RAMAKANTH REDDY

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.5107 OF 2004

Between:

Dr. I. Sobha Rani W/o Dr. C. Rama Chary, Lecturer in Botany O.U. College for Women, Koti, Hyderabad R/o H. No. 11-6-114, Pochamma Bagh, Saroornagar, Hyderabad

... PETITIONER

AND

1 Osmania University rep by Registrar, Hyderabad
2 Joint Registrar, Administration, Osmania University, Hyderabad
3 O.U. College for Women, Autonomous, Koti, rep by Asst. Registrar
Osmania University, Hyderabad
4 Department of Higher Education Government of Andhra Pradesh Secretariat

Building, Hyderabad, rep by Secrtary

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to a Writ of Mandamus declaring the action of respondents in not regularising the services of the petitioner as lecturer in Botany in the Osmania University respondent college and giving Artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc. as illegal, unconstitutional and violative of interalia Articles 14, 16,21 and 38 of the Constitution of India and consequently direct the respondent University to regularise the services of the petitioner as lecturer in Botany from the date of initial appointment and pay all consequential benefits to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.RAMAKANTH REDDY

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.5517 OF 2004

Between:

Oroosa Subohi D/o Mohd . Kasim Raza, H.No. 10-5-3/A , Ajanta Apartment Masabtank Hyderabad

... PETITIONER

AND

1 Registrar, Osmania Universtiy Hyderabad
2 Joint Registrar Administration, Osmania University, Hyderabad
3 Asst. Registrar, Osmania University College for Women Autonomous, Koti,

Hyderabad
4 Secreatry, Department of Higher Eduction Government of AP Secretariat Building,

Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of respondents in not regularising the services of the petitioner with effect from 2001 as lecturer in Physics in the Osmania

University respondent college and giving Artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc. as illegal, unconstitutional and violative of interalia Articles 14, 16, 21 and 38 of the constitution of India and consequently direct the respondent University to regularise the services of the petitioner as lecturer in Physics from the date of initial appointment and pay all consequential benefits arrears difference of pay to the petitioner and pass

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.RAMAKANTH REDDY

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.5564 OF 2004

Between:

1. V.Durga Prasad S/o V.L.Ramaswamy, Post Graduate College (O.U.) Secunderabad
2. A.Manjula S/o A.Sattaiah, Post Graduate college (O.U), Secunderabad

... PETITIONERS

AND

1 Registrar Osmania University, Osmania University Campus, Hyderabad
2 The Principle Post Graduate College (O.U), Secunderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of Writ of Mandamus declaring the action of the respondent in appointing the petitioner as Part Time Lecturers in Commerce Department instead of continuing their services as Lecturers in Commerce Department on contract basis, as illegal, arbitrary and contrary to law and consequently direct the respondents herein to continue the petitioners in service as Lecturer in Commerce Department on Contract basis, as usual

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MRC.RAJA SEKHAR REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.5649 OF 2004

Between:

P.Srinivasa Reddy, S/o.P.Ramakista Reddy, Secunderabad, Hyderabad District.

... PETITIONER

AND

1 The Registrar, Osmania University, Hyderabad.
2 The Principal, P.G.College, Osmania University, Secunderabad.

3 The Government of A.P., rep.by its Secretary, Higher Education, Secretariat,

Hyderabad.

(R3 is impleaded as per the Court order dated 26.03.2004 in WPMP.No.7608 of 2004)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not regularising the service of the petitioner and further contemplating to dis-engaging the service of the petitioner while continuing other Part Time Lecturers as highly illegal, arbitrary and violative of Art. 14 of the Constitution of India.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.R.PRABHAKAR

Counsel for the Respondents 1 & 2: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.3: GP FOR HIGHER EDUCATION

W.P.NO.5702 OF 2004

Between:

Dr. A. Gayatri Devi W/o. Ogirala Ramesh, O.U. College for Women, Koti, Hyderabad.

... PETITIONER

AND

1 Osmani University, rep., by its Registrar, Hyderabad.
2 Joint Registrar, Administration Osmania University, Hyderabad.
3 O.U.College for Women, Autonomous, Koti, rep., by its Assistant Registrar, Osmania

University, Hyderabad.
4 Department of Higher Education, Government of A.P., Secretariat Buildings,

Hyderabad rep., by its Secretary.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ of Mandamus declaring the acts of the respondents in not regularizing the services of the petitioner as lecturer in Chemistry in the Osmania University and giving artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc., as illegal, unconstitutional and violative of interalia Articles 14,16,21 and 38 of the Indian Constitution of India and consequently direct the respondent University to regularize the services of the petitioner as lecturer in Chemistry with regular scale from the date of initial appointment and pay all consequential benefits to the petitioner and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.O.RAMESH

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.5709 OF 2004

Between:

P. Naga Dhathri, W/o. A. Raghu Simha, Osmania University College for Women, (Autonomous) Koti, Hyderabad R/o. C-15/2, AFOCHS, sainikpuri, Secunderabad - 500 094.

... PETITIONER

AND

1 Osmania University Rep. by its Registrar, Hyderabad.
2 Joint Registrar, Administration, Osmania University, Hyderabad.
3 Osmania University College for Women, (Autonomous)Koti, Hyderabad Rep. by its Asst. Registrar Osmania University, Hyderabad.
4 Department of Higher Education Government of Andhra Pradesh, Secretariat

Building, Hyderabad Rep. by its Secretary.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondents in not regularising the services of the petitioner with effect from 2001 as lecturer in Physics in the Osmania University respondent College and giving artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc., as illegal, unconstitutional and violative of interalia Articles 14,16,21 and 38 of the Indian Constitution of India and consequently direct the respondent University to regularize the services of the petitioner as lecturer in Physics from the date of initial appointment and pay all consequential benefits arrears difference of pay to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.RAMAKANTH REDDY

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.5933 OF 2004

Between:

D. Annapurna Padmavathi, D/o D.L.N.Sastry, Osmania University College for Women, Koti, Hyderabad.

... PETITIONER

AND

1 Osmania University, rep.by its Registrar, Hyderabad.
2 Joint Registrar, Administration, Osmania University, Hyderabad.
3 O.U.College for Women, Autonomous, Koti, rep.by its Asst.Registrar, Osmania University, Hyderabad.
4 Department of Higher Education, Government of Andhra Pradesh, Secretariat Building, Hyderabad represented by its Secretary.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the acts of the respondents in not regularizing the services of the petitioner as lecturer in Chemistry in the Osmania University and giving artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc.,as illegal, unconstitutional and violative of interalia Articles 14,16,21 and 38 of the Indian Constitution of India and consequently direct the respondent University to regularize the services of the petitioner as lecturer in Chemistry with regular scale from the date of initial appointment and pay all consequential benefits to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.O.RAMESH

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.5948 OF 2004

Between:

Meenakshi, w/o Charan Singh, Occ:Lecturer in Zoology, O.U.College for Women, Koti, Hyderabad, R/o.H.No.3-10-26/31/A, RTC Colony, Ramanthapur, Hyderabad-500013

... PETITIONER

AND

1 Osmania University, rep., by its Registrar, Hyderabad.

2 Joint Registrar, Administration, Osmania University, Hyderabad.
3 O.U.College for Women, Autonomous, Koti,
rep., by its Asst.Registrar, Osmania University, Hyderabad.
4 Departmentof Higher Education, Government of Andhra Pradesh,
Secretariat Buildings, Hyderabad represented by its Secretary

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the acts of respondents in not regularizing the services of the petitioner as lecturer in Zoology in the Osmania University respondent college and giving Artificial breaks under the guise of different orders, without paying regular scale and attached benefits etc., as illegal, unconstitutional and violative of interalia Articles 14, 16, 21 and 38 of the Indian Constitution of India and consequently direct the respondent University to regularize the services of the petitioner as lecturer in Zoology from the date of initial appointment and pay all consequential benefits to the petitioner

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.KALYAN RAO JOSHI

Counsel for the Respondents 1 to 3: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.4: GP FOR HIGHER EDUCATION

W.P.NO.6049 OF 2004

Between:

1 Dr. N. Narsimlu, S/o. Late Lingaiah, R/o. Plot No. 302, Jawaharnagar, Moula Ali,

Hyderabad.
2 Dr. G. Ramadevudu, S/o. Satyanarayana, R/o.10A, Ground Floor, Anjana Apartments,

East Anandbagh, Hyderabad-47.
3 Dr. Kaleem Ahmed Jaleeli, S/o. Late Junaid Ahmed Jaleeeli,
Department of Physics, Nizam College, Basheerbagh, Hyderabad.
4 A. Srinivas, S/o. Mallaiah, Department of English, Nizam College, Basheerbagh,

Hyderabad.
5 Miss S. Latha, D/o. Rama Chandra Reddy, R/o.10A, Ground Floor, Anjana

Apartments, East Anandbagh, Hyderabad-47.
6 Miss Ayesha Siddiqui, D/o. M.A. Hameed Siddiqui, Department of Mathematics,

Nizam College, Basheerbagh, Hyderabad.
7 Miss Asma Begum, D/o. Mohd. Abdul Salam, Department of Persian, Nizam College,

Basheerbagh, Hyderabad.

... PETITIONERS

AND

1 Osmania University rep. by its Registrar, Osmania University Campus, Hyderabad.
2 Government of Andhra Pradesh, rep by its Secretary, (Finance), Secretaraiat, Secretariat Buildings, Saifabad, Hyderabad. (R2 is impleded as per Court Order dated

16-4-2004 in WPMP No. 8144/04.)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of mandamus, declaring the action of the Respondent in not regularising the services of the Petitioners in the Respondent University as arbitrary, illegal, unjust violative of the Fundamental Rights guaranteed to the Petitioners under Articles 14, 16 and 21 of the Constitution of India and also contrary to the Directive Principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India and issue consequential direction to the Respondent to regularise the services with all consequential benefits

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.RAVICHANDER

Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE SC FOR OU

Counsel for the Respondent No.2: GP FOR HIGHER EDUCATION

W.P.NO.6698 OF 2004

Between:

Smt.K.Narmada, W/o.Srinivas Reddy,R/o.Plot No.202, AWHO Colony, Sector-A,Gowtham Enclave, Sikh Village Road, Secunderabad, Hyderabad District.

... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, Higher Education,

Secretariat, Hdyerabad.
2 The Registrar, Osmania University, Hdyerabad.
3 The Principal, P.G.College, Osmania University, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not regularising the service of the petitioner and further contemplating to dis-engaging the service of the

petitioner while continuing other Part Time Lecturers as highly illegal, arbitrary and violative of Art. 14 of the Constitution of India.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.K.R.PRABHAKAR

Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION

Counsel for the Respondents 2 & 3: MR. DEEPAK BHATTACHARJEE (SC FOR OU)

WRIT PETITION NO : 8498 of 2004

Between:

1 P.Revathi W/o.S.J.Naveen, R/o.9-5, HMT Nagar, Nacharam, Hyderabad.
2 Ashwini K, D/o.Vinay Kammam Kar, Dept. of Chemistry, Nizam College,

Basheerbagh, Hyderabad.

... PETITIONERS

AND

Osmania University rep.by its Registrar, Osmania University Campus, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction, more particularly one in the nature of writ of Mandamus, declaring the action of the Respondent in not regularizing the services of the petitioners in the Respondent University as arbitrary, illegal unjust, violative of the Fundamental Rights guaranteed to the petitioners under Articles 14, 16 and 21 of the Constitution of India and also contrary to the Directive principles contained in Articles 38, 39(a), 41 and 47 of the Constitution of India and issue consequential direction to the Respondent to regularize the services with all consequential benefits and pass.

Counsel for the Petitioners: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.MODALI ESWARA PRASAD

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.10170 OF 2004

Between:

Miss R.T.Shailaja, D/o.R.M.Tulasi Das, at Nizam College, Hyderabad.

... PETITIONER

AND

1 Osmania University, rep.by its Reg. Osmania University Campus, Hyderabad.
2 The Principal, Nizam College (Auth) Osmania University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus, declaring the action of the respondents herein in not continuing the petitioner into service as a Lecturer in Zoology in the 2nd Respondent's College on contract basis as usual as illegal, arbitrary and contrary to the principles of natural justice and consequently direct the respondents herein to permit the petitioner to work as lecturer in Zoology in the 2nd respondent's College on contract basis

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.C.RAJA SEKHAR REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.11803 OF 2004

Between:

1 Dr. D. Gopala Krishna, S/o. Venkateshwarlu, Osmania University College of

Technology, Osmania University Campus Hyd-500 007.
2 Dr. T. Vinod Kumar, S/o. T. Ushanna, 1-8-58/2, North Kamalanagar, ECIL Post,

Hyd-500 062.

... PETITIONERS

AND

1 Osmania University College of Technology, rep. by its Registrar, Osmania University

Campus,Hyderabad.
2 Nizam College rep. by its Principal, Basheerbagh, Hyd.
3 Department of Higher Education, Govt of A.P., rep. by its Secretary, Secretariat,

Saifabad, Hyd.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly a writ of mandamus declaring the action of the Respondents in not regularising the services of the Petitioners in the 1st respondent University and as arbitrary, illegal, unjust, violative of the Fundamental Rights guaranteed to the petitioners under Articles 14,16 and 21 of the Constitution of India and also contrary to the Directive Principles contained in Articles 38,39(a) , 41 and 47 of the Constitution of India and issue consequential direction to the Respondents to regularise the services with all consequential benefits .

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.L.RAVICHANDER

Counsel for the Respondents 1 & 2: MR. DEEPAK BHATTACHARJEE (SC FOR OU)

Counsel for Respondent No.3: GP FOR HIGHER EDUCATION

W.P.NO.12284 OF 2004

Between:

Miss. G. Dhanalakshmi, D/o Narayana Swamy, at Nizam College, Osmania University, Hyderabad.

... PETITIONER

AND

1 Osmania University, rep. by its Registrar, Osmania University Campus, Hyderabad.
2 The Principal, Nizam College (Autonomous), Osmania University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents herein in not continuing the Petitioner into service as a Lecturer in Chemistry in the 2nd Respondent's College on contract basis as usual as illegal, arbitrary and contrary to the principles of natural justice and consequently direct the respondents herein to permit the petitioner to work as Lecturer in Chemistry in the 2nd respondent's College on contract basis

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.C.RAJA SEKHAR REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE SC FOR OU

WRIT PETITION NO : 12762 of 2004

Between:

1 P.Mahesh, S/o P.Tilak Sarma, University College of Technology, Osmania University,

Hyderabad
2 G.Venkateswarlu, S/o Late Chinnaiah, Working as Academic Consultant (Lecturer in

Mechanical) University College of Technology, Osmania University, Hyderabad

... PETITIONERS

AND

1 Osmania University, rep.by its Registrar, Osmania University Campus, Hyderabad
2 The Principal, University College of Technology, Osmania University, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, directing the respondents herein not to terminate the services of the petitioners herein as Lecturers in the 2nd respondents College and consequently direct the respondents herein to continue the petitioners in service as Lecturers in the 2nd respondents College in their respective Departments as usual

Counsel for the Petitioners: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MRC.RAJA SEKHAR REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE SC FOR OU

W.P.NO.11573 OF 2004

Between:

1 D.Madhusudhan Reddy S/o. d.Ramakrishna Reddy
Nizam College, Osmania University, Hyderabad.
2 Dr.N.Raj Kumar S/o. N.Narayan Rao
Nizam College, Osmania University, Hyderabad.

... PETITIONERS

AND

1 Osmania University rep. by its Registrar osmania University Campus, Hyderabad.
2 The Principal, Nizam College (Autonomous) Osmania University Campus, Hyderabad.
3 The Principal, Nizam College of Science (Autonomous)Osmania University Campus,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction, preferably one in the nature of writ of Mandamus, directing the respondents herein not to terminate the services of the petitioners herein as Lecturers in the 2nd respondents College and consequently direct the respondents herein to continue the petitioners in service as Lecturers in the 2nd Respondent's College in their respective Departments as usual.

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MRC.RAJA SEKHAR REDDY

Counsel for the Respondent No.: MR.DEEPAK BHATTACHARJE

W.P.NO.11347 OF 2004

Between:

1 Dr. P. Manohar, S/o. P. Veera Swamy,(Lecturer in Electronics) Nizam College,

Hyderabad.
2 Dr. S. Samba Murthy, S/o. Chinnaiah,(Lecturer in Zoology) Nizam College,

Hyderabad.
3 R. Sarangapani, S/o. Ramachander,(Lecturer in Electronics) Nizam College,

Hyderabad.
4 K. Pavan Kumar, S/o. Late K. Dayanand,(Lecturer in Electronics) Nizam College,

Hyderabad.

... PETITIONERS

AND

1 Osmania University, Rep by its Registrar, Osmania University Campus, Hyderabad.
2 The Principal, Nizam College(Autonomous), Osmania University, Hyderabad.
3 The Principal, University College of Science, Osmania University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, directing the respondents herein not to terminate the services of the petitioners herein as Lecturers in the 2nd Respondent's College and consequently direct the respondents herein to continue the petitioners in service in their respective Departments as usual

Counsel for the Petitioner: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.C.RAJA SEKHAR REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE SC FOR OU

WRIT PETITION NO : 14355 of 2004

Between:

1 Ratna Newar, D/o.Madan Mohan, Chatterjee, & Media Studies at Nizam College,

Osmania University, Hyderabad.
2 Dr.T.Narender Reddy, s/o.T.Yella Reddy, Nizam College, Osmania University,

Hyderabad.
3 Dr.K.Y.Chitra, W/o.K.N.Anand, Nizam College, Osmania University, Hyderabad.
4 Dr.S.Padmaja, D/o.S.S.Sharma, Nizam College, Osmania University, Hyderabad.
5 B.Aravanda, S/o.B.Krishna Murthy, Nizam College, Osmania University, Hyderabad.

... PETITIONERS

AND

Osmania University, rep.by its Registrar, Osmania University, Campus, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus declaring the action of the respondent in not regularizing the services of the petitioners as lecturers in the Respondent University as arbitrary, illegal, unjust, violative of fundamental rights guaranteed to the petitioners under Articles 14, 16 and 21 of the Constitution of India and also contrary to the directive principles contained in Articles 38, 39 (a), 41 and 47 of the Constitution of India and issue the consequential direction to the respondents to regularize the services of the petitioners with all consequential benefits, and pass.

Counsel for the Petitioners: MR.S.RAMACHANDER RAO, Sr. COUNSEL appearing for MR.C.RAJA SEKHAR REDDY

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE SC FOR OU

The Court made the following order:

COMMON ORDER:

The learned counsel appearing for the petitioners in this batch of writ petitions agreed that since the common question that falls for consideration is one and the same in all of them, they may be disposed of by a common order. The petitioners have filed these writ petitions to direct the respondents to regularize their services as lecturers in the respective colleges with all consequential benefits.

2. Learned counsel further submitted that the petitioners are entitled for regularization of their services by giving effect to the orders of the Government in G.O.Ms.No.221 dated 20-06-1995. It is stated that the said orders were issued for regularization of the Part-Time Lecturers/Junior Lecturers working in the Government Degree/Junior Colleges and therefore, they are also entitled for the benefits of the said orders. It is further submitted that they are fully qualified to hold the posts of Lecturers and they have been working since 1995, but the respective colleges have been illegally appointing them for every academic year only by dispensing with their services at the end of the academic year, is

illegal, arbitrary and unconstitutional and to direct the respondents to regularize their services.

3. Counters have been filed on behalf of the respondents stating that the petitioners are not entitled for regularization of their services as Lecturers in terms of G.O.Ms.No.221 dated 20.06.1995. Government issued the said G.O for regularization of the services of part-time lecturers in Government Degree/Junior Colleges only on certain conditions. Therefore, the Government order is not applicable to the case of the University Lecturers as the recruitment procedure is different for appointment of lecturers in the University and Government Degree Colleges. There is no category of Junior Lecturers in the University or its constituent colleges. University is an autonomous body and has its own Statutes, Ordinances and Regulations. Therefore, the said G.O. is not applicable to the case of the petitioners.

4. Mr. S. Ramachandra Rao, learned Senior Counsel appearing for the petitioners, has advanced main arguments in the batch of writ petitions and submitted that all the petitioners in this batch are similarly situated to that of the respondents in the batch of W.A.No.764 of 1998, whose writ petitions were allowed and aggrieved by the same, the Osmania University filed the said batch of writ appeals granting certain reliefs to them and therefore, the petitioners herein are also entitled for the same relief, as was granted by the Division Bench consisting of the Honourable Sri Justice Bilal Nazki and the Honourable Sri Justice L. Narasimha Reddy, in W.A.No.764 of 1998 and batch dated 11.09.2002. It is further stated that the petitioners are being treated as bonded labour and the University is getting regular grants from the University Grants Commission and the matching funds from the State Government and there are sanctioned posts. The petitioners were duly selected by the Selection Committee and the respective colleges of the University are taking regular work from them, and therefore, they are entitled for regularization of their services. The first petitioner in W.P.No.35439 of 1998 is working since 1985 and his date of birth is 04.06.1954, he completed his M.A. in 1979, M.Phil in 1984 and PhD in 1988. Similarly, the other petitioners are also qualified for

regularization of their services and they have been working from the date of their initial appointment orders by dispensing with their services during the summer vacation. Instead of regularization of their services, part-time arrangements have been made, engaging the services of the petitioners, with a view to deprive the petitioners from regularization of their services.

5. He further contends that the respondents in W.A.No.764 of 1998 and batch are also similarly situated and the appointments of the petitioners and the respondents in the said writ appeal are similar in nature and therefore, petitioners are entitled for a similar direction. It is further submitted that in the second batch of writ petitions, W.P.No.6469 of 2001 and batch, dated 21.10.2003 disposed of by a Division Bench consisting of the Honourable Sri Justice B. Sudershan Reddy and the Honourable Sri Justice K.C. Bhanu, similar direction was issued, but the last sentence of the operative portion of the judgment as regards the right of the University to terminate the contract of any such Assistant Professor etc., by invoking covenants in the contract with a better qualified and more suitable person for entrusting with teaching assignment is contrary to the earlier orders of the Division Bench and this requires to be referred to a Division Bench.

6. It is further submitted that the last selections were made in 1987 and no recruitment took place pursuant to the notifications issued in 1989 and 1994 and therefore, the petitioners are made to work on contract basis as against the regular vacancies and as they are fully qualified and selected by the Selection Committee, the action in continuing them on contract basis is illegal and it is only to deprive them from regular appointment.

7. Learned Senior Counsel for petitioners submitted that the Division Bench consisting of the Honourable Sri Justice B. Sudershan Reddy and the Honourable Sri Justice C.V. Ramulu, disposed of W.A.No.1261 of 1999 dated 26.03.2003 following the earlier order of Division Bench in W.A.No.764 of 1998 dated 11.09.2002 and therefore, all the petitioners are also entitled for the same

relief as was granted in W.A.No.764 of 1998. A perusal of the said judgment makes it clear that the said order was also an agreed order as it was squarely covered by the Division Bench judgment of this Court in W.A.No.764 of 1998. Therefore, the said writ appeal is disposed in terms of the judgment in W.A.No.764 of 1998 and batch. Therefore, I am of the opinion that the said judgment has no application though the facts of this case are similar to the facts of the writ appeal with some difference, but the petitioners are not entitled for the same relief as was held in W.A.No.764 of 1998, as it was an agreed order.

8. Learned Senior Counsel appearing for petitioners also relied on judgments of Apex Court in **KARNATAKA STATE PRIVATE COLLEGE STOP-GAP LECTURERS ASSOCIATION v. STATE OF KARNATAKA** and **BASERUDDIN M. MADARI v. STATE OF KARNATAKA**, in support of his contention that the *Ad hoc* teachers of universities appointed for small periods, continuing to work for several years are entitled for regularization. A perusal of the said judgments has no application with regard to the recruitment and regularization to be made by the universities in the Universities Act, but those *Ad hoc* appointments were made by the State Governments, as the procedure of appointment by the State Government is different from that of the university and therefore, I am of the opinion that the above decisions have no application to the facts of the case.

10. On the other hand, Mr. Deepak Bhattacharjee, learned counsel appearing for the University and the Government Pleader appearing for Higher Education and on behalf of the State, stated that orders passed in W.A.No.764 of 1998 and batch is restricted to the parties therein only and the said order dated 11.09.2002 was an agreed order and therefore, the petitioners are not entitled for the same relief. The judgment in the said writ appeal is applicable only to the said nine persons and therefore, this batch of writ petitions is not covered by the judgment in the said writ appeal. It is stated that appointment orders were issued with a condition that the appointment would not confer any right for absorption or regularization of the petitioners in the university services. It is also further clarified that the appointment was not a permanent assignment.

The appointment of the petitioners as Part-time Lecturers or as Academic Consultants did not confer any right for absorption as Lecturers in the university services. The petitioners were not selected by any duly constituted Selection Committee as provided under Section 43 of the Andhra Pradesh Universities Act, 1991 (for short 'the Act'). The appointment of each of the petitioner was for a specific period only and the remuneration was paid taking into consideration the workload either for a lecture or on consolidation remuneration basis. The petitioners do not have any right to seek regularization as a matter of right.

11. It is stated that there is no scheme for regularization under which the petitioners are seeking regularization. The relief sought for is contrary to the provisions of the Act. It is further submitted that regularization of part-time/*ad hoc*/stop-gap appointees or academic consultants as lecturers may affect the teaching standard of the university and the output of the students at large. University imparts education that lays foundation of wisdom. The hopes and aspirations of the country depend on its education. Proper and disciplined functioning of educational institutions should be the hallmark. An *ad hoc* arrangement for teaching is made on account of shortage of teaching staff. The above arrangement did not confer any right on the petitioners for claiming regularization. The petitioners were not selected by any constituted Selection Committee in terms of Section 43 of the Act. Without any budgetary support as against the vacancies the petitioners are not entitled for regularization.

12. It is further submitted that the University does not have any right to regularize any part-time or *ad hoc* member of the teaching staff or any academic consultant without prior permission of the Government in terms of the Section 49 of the Act. The order in W.A.No.764 of 1998 and batch dated 11.09.2002 is an agreed order and therefore, the petitioners are not entitled for the same relief. It is further stated that regularization of their services will have financial implications and under Section 49 of the Act, the University has no right to order regularization or appoint any member of the teaching staff or promotion without prior permission of the Government. The relief as sought for as against the university on account of operation of Section 49 of the Act is not

maintainable.

13. It is stated that some of the writ petitions were disposed of on the impression that the said writ petitions are entitled of the benefit of the judgment of the Division Bench in W.A.No.764 of 1998, as against the said writ petitions, writ appeals have been filed and a Division Bench of this Court has set aside the orders on the ground that there is no such agreement between the parties as in the case of W.A.No.764 of 1998 and accordingly the said writ petitions are listed along with this batch for fresh disposal.

14. On perusal of some the appointment orders of the writ petitioners it is clear that certain part-time teaching arrangements were made for particular academic year alone or until further order whichever is earlier. Certain appointments were made to teach particular number of theory and practical classes and the amount was fixed for each theory and practical class separately. Some of the appointments were made on consolidated pay of Rs.8,000/- per month for particular academic year. It is also made clear that the appointment does not confer upon the candidate any right to continue as such or to claim regular appointment in the colleges of Osmania University. The services of the candidates shall be terminated at any time if found unsatisfactory.

15. Learned counsel for respondents submits that Part-Time Lecturers were either appointed on consolidated pay of Rs.8,000/- per month or appointed to teach for a specific number of practical or theory classes, fixing the remuneration for each practical and theory class. None of the petitioners was selected by duly constituted Selection committee under Section 43 of the Act as none of the petitioners have applied against the notified vacancies, after necessary budget sanctioned. The appointment is purely temporary in nature and as per the covenants of the appointment orders the petitioners are not entitled for any regularization.

16. As per Section 43 of the Act there shall be a constituted Selection Committee in regard to the appointment of Professors, Readers and Lecturers, which shall consist of the Vice-Chancellor, three experts from outside the University, Chairman of the Board of Studies concerned, Head of the Department and the Registrar shall be the Secretary of the Selection Committee and therefore, the appointments were not made by the Selection Committee. Therefore, the petitioners have no right to seek regularization of their services. Section 49 of the Act is mandatory in nature as the University shall not without the prior approval of the Government divert any funds for other purposes or up-grade or revise the scale of pay of its staff or implement any scheme which involves any matching contribution from the Government or create post or posts resulting in a recurring liability on the Government.

17. As per proviso to Section 49 of the Act, the executive council may authorize creation and filling up of posts of teachers for a period not exceeding one year, but any such post shall not continue or create afresh for any period beyond the said period of one year for the existing teaching purposes without the prior approval of the Government.

18. Learned Senior Counsel for Osmania University places reliance on some of the judgments of this Court and the Apex Court in support of his contention that Section 43 of the Act is mandatory and the petitioners are not entitled for regularization as they have not been selected by any duly constituted Selection Committee. It is stated that when the State Government amended Section 43-A of the Act for the purpose of constituting Selection Committee in a deviation of Section 43 writ petitions were filed and a Division Bench of this court in **OSMANIA UNIVERSTIY TEACHERS ASSOCIATION v. UNION OF INDIA**, to which I am also a party, delivered by the Honourable Sri Justice B. Sudershan Reddy, held that Section 43-A of the Act enacted by the State of Andhra Pradesh is beyond the Legislative competence of the State. With regard to the selections it is relevant to quote Para 89, which reads as:

> "The regulations framed by the U.G.C. having prescribed the qualifications <u>also recommended for the composition of the Selection Committee</u>. The prescription of qualifications for the post of Lecturers, Readers and

> Professors and the eligibility criteria thereof for the selection and appointment is integrally connected and intertwined with the composition of the Selection Committee. The regulations mandate the universities to ensure that "the process of selection in every case is transparent and credible" . The minimum qualifications prescribed and the procedure suggested for the selection and appointment and composition of Selection Committee for selecting the candidates by duly scrutinising each candidate's selection are various steps in the same process and are integral for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching; examination and research in the Universities."

The Division Bench further held that the Selection Committee constituted by the State Government under the amended Section 43-A of the Act is *non est* in law and clarified that selections are to be made by duly constituted Selection committee and following the procedure and norms prescribed under the regulations made by the U.G.C.

19. In so far as the judgment in W.A.No.764 of 1998 and batch is concerned on which the petitioners are heavily relying, admittedly, the said matter has gone to the Supreme Court against the judgment in the writ appeals by the Division Bench of this Court and the Supreme Court remanded the matter. No doubt, petitioners therein are also Part-Time Lecturers and they were also similarly situated like the petitioners herein and they have been working for quite a number of years and were qualified and eligible for being appointed as regular Lecturers, but they have been engaged as part-time lecturers only with payment either on hourly or consolidated basis. In the said batch of cases certain suggestions emerged from the Bench to consider the case of the petitioners by concerned authorities and to make selections on regular basis for the vacant posts, for which the learned Advocate General appearing on behalf of the State and the Universities agreed for relaxation of age in respect of the petitioners therein to the extent of the services rendered and on the said suggestion the State Government has taken a stand and filed an affidavit and a letter dated 12.09.2002 addressed to the Registrar, Osmania University, Registrar, Kakatiya University and a letter addressed to the Principal Secretary to the Government, Higher Education, which reads as follows:

> "It has been decided in principle to permit Osmania & Kakatiya Universities to issue a fresh notification inviting the applications from the eligible candidates including the Writ petitioners of the Universities. The cases of the Writ petitioners would be considered for regular appointment in relaxation of the age limit condition. Accordingly you have been requested to furnish the necessary information vide reference for immediate appropriate orders."

20. In view of the letter addressed by the Government and in view of the submissions made by the learned counsel for the Universities, pursuant to the order issued in the said batch dated 28.12.2001, the respondents have agreed that they would conduct selections and consider the case of the petitioners for regular appointment, after relaxing their age, who have crossed the age limit, seeking appointment as Lecturers. In those circumstances, the Division Bench held that the above arrangement was a fair arrangement and accordingly considered the request of the petitioners. Therefore, while accepting the contentions of the Universities and the State that the petitioners-part-time lecturers would have to face competition, directed that the process of selection shall be completed within a period of four months from the said date. The candidates who have crossed the age limit shall be granted relaxation for being eligible for selection. During the period of these four months the petitioners shall continue to remain in service on the same terms and conditions which are applicable to them as on that day and shall not be removed from service. If the selection is not completed within four months they shall be entitled to salary in the Grades, which are meant for Lecturers, without further orders from the Court. In those circumstances, directions were issued to the Universities as well as the State Government holding that it is the responsibility of the State Government as well as the Universities to complete the process of selection within four months. It is stated that the aforesaid judgment of the Division Bench in W.A.No.764 of 1998 is an agreed order and therefore, it has no application to the facts of the case, as in the said case against the judgment of earlier writ appeals, the Apex Court remanded the same and therefore, on the suggestions made by the Division Bench, the State Government and the Universities agreed and the said order was passed.

21. It is stated that all the petitioners are similarly situated as in the case of

later judgment of this Court in W.P.No.6469 of 2001 and batch dated 21.10.2003 disposed of by a Division Bench consisting of the Honourable Sri Justice B. Sudershan Reddy and the Honourable Sri Justice K.C. Bhanu, as in the said batch of writ petitions, all the petitioners herein have been appointed as Lecturers/Assistant Professors in various departments of Osmania University on contract basis. They have been appointed to various departments commencing from 1985 in one case, 1992 in another case and others were appointed from 1995 onwards. Similar contentions were also raised that they are not being paid the scale of pay attached to the post of Lecturer while extracting more work from them in comparison of those regular Lecturers, by paying a meager amount, and all those contentions have been considered as to whether the petitioners are entitled for regularization of their services or not. While considering the similar contentions the Division Bench held

> "In order in order to appreciate as to whether the petitioners have any right for such regularization as prayed for, we are required to notice the Section 43 of the Andhra Pradesh Universities Act (Act 4 of 1991) mandates that there shall be a constituted Selection Committee in regard to the appointment of Professors, Readers and Lecturers consisting of those whose details are mentioned under the said provision. The direct recruitment for the post of Lecturers/Readers and Professors in the University and Colleges shall be on the basis of the merit through All India advertisement and the selection by the duly constituted Selection committee in accordance with law. It is unnecessary to refer in details to the qualifications that are prescribed for being selected and appointed as Lecturers/Readers and Professors. Suffice it to notice that one of the essential requirements is that the candidates should have cleared the National Eligibility Test (NET) conducted by the University Grants Commission, Council for Scientific and Industrial Research or similar test accredited by the University Grants Commission. It is also required to notice that in case of direct recruitment for any of those posts, the University is bound to issue necessary public notification inviting applications from all those eligible candidates. Each University is required to maintain roster and scrupulously implement the policy of reservations in favour of the dis-advantages sections of the Society and others as may be provided for by the University or the Government, as the case may be.
>
> The services of the writ petitioners have been engaged under a written agreement on contract for service subject to various terms and conditions to which the writ petitioners have agreed voluntarily. One of the clauses in the agreement, *inter alia*, states that the petitioners have agreed to perform the teaching work only and they have so agreed after being informed that they are fully aware of the fact that their service is not being taken to fill

> any existing vacancy or vacancy in future either on temporary or permanent basis whatsoever. The contract is terminable by the University at any time and the petitioners, in such case, are entitled to only pro-rata amount till such time. Suffice it to notice that each of the petitioners have been appointed subject to such terms and conditions incorporated in the agreement. They have undertaken to teach for a particular duration. The contract itself does not create and confer any particular right in any one of them to insist for regularization of their services. The provisions of the Universities Act (Act 4 of 1991) and Statues, Ordinances and Regulations made by the University do not permit the University to regularize any of the writ petitioners who have been appointed on contract basis. In the circumstances, we are not inclined to issue any direction compelling the University to regularize their services."

The Division Bench further held that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot issue any writ which may have the effect of amending, varying or modifying the covenants in a contract voluntarily agreed by and between the parties. The origin of the writ petitioners' appointment as Assistance Professors/Lecturers on contract basis is not traceable to any provision of law or any statutory instrument.

22. Admittedly, all the petitioners herein were not appointed by any Selection Committee constituted for the purpose and by following any particular procedure as such. Therefore, the University cannot be compelled to continue the writ petitioners as Assistant Professors/Lecturers on contract basis. The University is not under any statutory or legal obligation to do so and in such view of the matter, no such Writ of Mandamus lies as prayed for by the petitioners.

23. However, the Division Bench held that the relief granted by the earlier Division Bench in W.A.No.764 of 1998 and batch, while considering the case of the part-time Lecturers, directed that they shall remain in service on the same terms and conditions as on that day and shall not be removed from service. The Division Bench further directed that the University shall complete the selection process within four months and if at the expiry of four months the selection is not completed they shall be entitled to salary in the Grades, which are meant for regular Lecturers, cannot be made applicable to the petitioners

herein as the said direction was an agreed order. However, the Division Bench disposed of the writ petitions with the following directions:

> "Having regard to the facts and circumstances of the case, we consider it appropriate to direct the University to permit the writ petitioners to participate in the process of selection and consider their cases for regular appointments; provided they possess the requisite qualification after relaxing the age of those writ petitioners who have crossed the age limit for seeking appointment as Assistant Professors/Lecturers. The University shall take an appropriate decision in the matter and accordingly relax the age limit and shall bear in mind the same while issuing the notification inviting applications from the eligible candidates for selection and appointment as Assistant Professors/Lecturers in various departments. We make it clear that the writ petitioners will have to face the competition and shall have to compete with others for their selection and appointment as Assistant Professors/Lecturers. The University while issuing the notification shall take all the relevant factors into consideration including the roster points."

24. With regard to regularization of temporary services the learned counsel appearing for the University placed reliance on the following judgments:

In **Dr ARUNDHATI AJIT PARGAONKAR v. STATE OF MAHARASHTRA AND OTHERS**, with regard to regularization of services of temporary employees the Apex Court held as under:

> "Eligibility and continuous working for howsoever long period should not be permitted to overreach the law. Requirement of rules of selection through Commission cannot be substituted by humane considerations. Law must take its course. Consequently the appellant was not entitled to claim that she should have been deemed to have regularized as she had been working without break for nine years."

In case of **STATE OF ORISSA v. PYARI MOHAN MISRA**, with regard to regularization of *Ad hoc* posts the Apex Court held that mere prolonged and continuous *ad hoc* service does not ripen into a regular service to claim permanent or substantive status.

In case of **ASHWANI KUMAR v. STATE OF BIHAR**, with regard to recruitment

made contrary to the rules and without sanctioned posts backed by financial budget support the Supreme Court held as:

> "Question of regularization in any service including any Government service may arise in two contingencies. Firstly, if on any available clear vacancies which are of a long duration appointments are made on ad hoc basis or daily wage basis by a competent authority and are continued from time to time and if it is found that the concerned incumbents have continued to be employed for a long period of time with or without any artificial breaks, and their services are otherwise required by the institution which employees them, a time may come in the service career of such employees who are continued on ad hoc basis for a given substantial length of time to regularize them so that the concerned employees can give their best by being assured security of tenure. But, this would require one pre-condition that the initial entry of such an employee must be made against an available sanctioned vacancy by following the rules and regulations governing such entry. The second type of situation in which the question of regularization may arise would be when the initial entry of the employee against a suitable vacancy is found to have suffered from some flaw in the procedural exercise though the person appointing is competent to effect such initial recruitment and has otherwise followed the procedure for such recruitment."

In case of **Dr. MEERA MASSEY v. Dr. S.R.MEHROTRA,** the Apex Court with regard to continuation of unsuccessful candidates, who are not selected, till they are selected by the Selection Committee held that regularization excludes a large number of very competent persons who if given opportunity available would have applied. There cannot be sympathy in rank, principles of equity, justice and fair play to regularize *ad hocism,* justifying merely on eligibility criteria. Selection of teacher has not to be on minimum eligibility but best available from a larger sphere. Not from the limited sphere of *ad hoc* or stopgap appointees. This affects teaching standard of Universities and output of students at large. There is distinction between regularization and promotion. Regularization means, one which is already working, doing or has done something which law did not permit but the same is being regularized, treated to be done in accordance with law, treat one as such. Hence in such cases regularization cannot be said to be a promotion. In the instant case there cannot be any regularization of the writ petitioners whose appointments are *ad hoc* or temporary as per the agreement for a specific academic year and such functioning of the petitioners is not in conformity with Section 43 of the Act. The

University by itself without following any procedure cannot regularize the case of the petitioners as desired by them.

The Apex Court further held that it is relevant to quote:

> "University imparts education which lays foundation of wisdom. Future hopes and aspirations of the country depends on this education, hence proper and disciplined functioning of the educational institutions should be the hallmark. If the laws and principles are eroded by such institutions it not only pollutes its functioning, deteriorating its standard but also exhibits to its own students the wrong channel adopted. If that be so, how could such institutions produce good citizens? It is the educational institutions, which are the future hope of this country. They lay the seed for the foundation of morality, ethics and discipline. If there is any erosion or descending by those who control the activities all expectations and hopes are destroyed. If the institutions perform dedicated and sincere service with the highest morality it would not only uplift many but bring back even a limping society to its normalcy. As we have already recorded above from the stand of the University itself that this was done as a special stipulation circumstance not in accordance with the normal mode of appointment, we deprecate this and record that in future such situation should not be brought in for taking such decisions at the cost of recognised regular selection of teachers."

In case of **STATE OF U.P. v. RAJ KARAN SINGH**, the Supreme Court held that merely because a person continues under an interim order of the Court, such continuance on the post cannot confer on such person any right for continuance and also not entitled for regularization. Any interim order is only an arrangement pending decision of the Court and cannot disturb the position of law or equities as on the date of the disposal of the writ petition.

The Apex Court in **J & K PUBLIC SERVICE COMMISSION v. Dr. NARINDER MOHAN** held that once the statutory rules have been made the appointment shall be only in accordance with the rules. The executive power is co-extensive with legislative power of the State and it could be exercised only to fill in the gaps but the executive cannot supplant the law, but only supplement the law. In the instant case, the appointment given is not traceable to any provision of law.

25. Learned counsel for the petitioners could not lay any foundation under what law the petitioners are entitled for regularization. For the aforesaid reasons, I am of the opinion that the petitioners are entitled to the similar relief as was ordered by the Division Bench of this court in W.P.No.6469 of 2001 and batch dated 21.10.2003.

26. Sri S. Ramachandra Rao, learned senior counsel appearing for petitioners submits that the university has been making attempts to displace the writ petitioners who are already working as contract Assistant Professors/Lecturers in order to appoint others in their place on the very same basis which cannot be countenance by this Court. I hope and trust that the University shall not resort to any practice of displacing one contract Assistant Professor/Lecturer and appoint another in his place. Any such action may be arbitrary. Learned Government Pleader appearing for the State and the University submitted that there has been no such attempt on the part of the University to displace one contract Assistant Professor/Lecturer and to appoint another in place of such displaced contract Assistant Professor/Lecturer. It shall always be open to any of those writ petitioners to approach this Court in case any such attempts is made by the University. However is shall always be open to the University to terminate the contract of any such Assistant Professor etc., by invoking covenants in the contract but not for the purposes of appointing somebody else on the contract basis unless person to be appointed is better qualified and more suitable for entrusting with teaching assignment. As it is not desirable to replace the temporary services of the petitioners, making similar arrangements, with some others, the respondents shall take steps to identify regular vacancies that are to be filled on permanent basis. Accordingly, the respondents are directed to issue notification and fill up the regular vacancies before the end of the academic year and complete the process of selection on or before 31.03.2005.

27. Following the aforesaid judgment of the Division Bench in W.P.No.6469 of 2001, I dispose of the writ petitions. Having regard to the facts and circumstances of the case, I consider it appropriate to direct the University to permit the writ petitioners to participate in the process of selection and consider

their cases for regular appointments; provided they possess the requisite qualification after relaxing the age of those writ petitioners who have crossed the age limit for seeking appointment as Assistant Professors/Lecturers. The University shall take an appropriate decision in the matter and accordingly relax the age limit and shall bear in mind the same while issuing the notification inviting applications from the eligible candidates for selection and appointment as Assistant Professors/Lecturers in various departments. I make it clear that the writ petitioners will have to face the competition and shall have to compete with others for their selection and appointment as Assistant Professors/Lecturers. The University while issuing the notification shall take all the relevant factors into consideration including the roster points.

No further direction as such shall be issued in the matter.

The writ petitions are accordingly disposed of. There shall be no order as to costs. Consequently, the interim order earlier granted by this Court shall stand vacated.

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(V. ESWARAIAH, J)

August , 2004

Dsk

Note: LR Copy to be marked

One Fair Copy to the Honourable Mr. Justice V. ESWARAIAH

(For His Lordships kind perusal)

To

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Secretariat, Hyderabad

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3. The Head of Department of Botany, College of Science, Osmania University,

Hyderabad.

4. The Joint Registrar, Osmania Universtiy, Hyderabad.

5. The Principal, P.G. College, Secunderabad.

6. The Principal, Nizam college, Basheerbagh, Hyderabad.

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19. The Secretary, Department of higher Education, Government of AP, Secretariat,

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21. University College of Technology, Osmania Universtiy, Hyderabad.

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